

SELF-DEFENSE AGAINST THE STATE
(A Doctrine of Retaliatory Recapture)

Proposed Amendment

We hold that at any time when the present legal system fails to protect the rights of individuals against aggressive acts of the State, individuals and groups have the right to use retaliatory force against the State ranging from civil disobedience to organized revolution as circumstances merit in an effort to gain restoration of their rights.

For example, we support resistance to military conscription slavery, forceful restitution of property stolen through taxation, resistance to the enforcement of victimless "crimes", or other efforts to restore any and all other rights violated through the threat or use of violence initiated by the State.

We maintain that acts in furtherance of this goal must be directed at those responsible for such aggression and must never be directed at innocent bystanders.

The Libertarian Party shall remain aloof from any direct involvement with actions which could endanger its legal status as long as this is deemed desirable and appropriate to its role within the movement to redress the State.

Arguments in Support:

The Libertarian Party's working position as a tool of reform operating within the laws of the State should not constrain it from recognizing the moral efficacy of opposing the violatory acts of government with force. Although the Party should desist at present from any direct involvement with revolutionary forces, it must make the ideological transition from a tacitly conservative-reformist position to that of a radical revolutionary abolitionist stance. Other parties in western democracies adhere to "revolutionary" positions which are openly involved with the forceful overthrow of the State. This does not prevent these parties from being legally accepted and gaining non-revolutionary mass public support (e.g., the Communist Party of Italy). Moral sanctioning of revolutionary force qualified by libertarian principles is necessary not merely for the ideological consistency of the Party but also to find a natural coherence with political conditions in most of the world today.

This proposed amendment to the LP Platform was originated by the Political Action Caucus, PO Box 30681, Seattle, Washington 98103.

LEGAL RIGHTS OF YOUTH

Proposed Amendment

Young humans, popularly classed as infants, children and adolescents, commonly suffer a loss of their rights at the hands of the State. The paternalistic tyranny exercised over the lives of young persons not only violates their inalienable individual right to life and property, but also is the cause of a panoply of psychological, social and economic problems.

Therefore, we defend the rights of persons now classed as underaged (1) to engage freely in economic and financial pursuits such as buying and selling property, engaging in legal contracts, and gaining employment; (2) to depart from the supervision and authority of parents and guardians; (3) to choose their own form of education, training and pursuits; and (4) to participate in voluntary sexual and social relationships.

Specifically, we urge the repeal of all laws such as (1) compulsory education and punishment for truancy, (2) juvenile codes and detention systems, (3) ballot restrictions based on age, (4) curfew laws, (5) statutory rape and incest laws, (6) child labor "protection" laws, (7) censorship of publications and entertainment, (8) prohibition of use of alcoholic beverages and other substances, (9) laws permitting forced wage and property transfer to parents, and (10) forced guardianship.

We further recognize the right of parents to their own lives and property and, therefore, we affirm their right to terminate all ties and any implied obligations to their offspring.

Arguments in Support:

The present plank #18, "Children's Rights", is altogether inadequate and negatively discriminatory towards this unique class suffering statist repression. The plank implies that the existing problem of "Children's Rights" is not significantly different from that of "adults". It says:

We believe that "children" are human beings and, as such, have the same rights as any other human beings. Any reference in this Platform to the rights of human beings includes children.

Indeed, they should have the same rights and this plank would not constitute an elegant dodge of the issue were "children" not menaced by a vastly different set of laws from other legally defined groups in statist society.

The whole purpose of a platform is to elaborate the specifics of the Party's intended reform of specific laws and policies. Why should children deserve any less specific treatment of the unique forms of coercion used against them by the State? Should our ethical specificity and ideological treatment be limited only to those human categories made more convenient by the State? Because "children" are treated as a caste of untouchables by the State is no reason why we should shy from the question of their liberation. We must fight for the rights of children and to do this our platform must be elaborated and explicit.

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ABOLITION OF THE STATE

Proposed Amendment

Whereas the coercive monopoly jurisdictional power inherent in all states is absolutely inimical and eternally contrary to the justifiable exercise of the sovereign right of the individual to his or her life and property, the Libertarian Party, which opposes all forms of initiatory force, including its use by any governing agency, has as its ultimate objective the complete abolition of the State.

In declaring its intent to abolish the State as the main institution of initiatory force, the Libertarian Party does not oppose any form of voluntary social cooperation and/or self-governance irrespective of its particular philosophical or religious orientation so long as it rests on the recognition of individual sovereignty, and thus, the free and explicit consent of every participant.

Arguments in Support:

The logical political progression of the libertarian movement must result in an explicitly abolitionary intent. Any other ideological trajectory can only lead away from a consistent implementation of its basic premises (objective epistemology, rational egoism and natural rights) into a form of rightist conservancy of a minimalist State or fragmentation into various "left" and "right" reforms. Our movement must be unified in its focus against the State - the central institution of modern slavery. Just as the abolitionist anti-slavery movement in the antebellum U.S. was uncompromising and irreconcilable in its demand for freeing black slaves so must we in our demand for an end to modern slavery.

Some may argue that abolition of the State is "implicit" throughout the LP Platform and that this is "enough". "After all," they argue, "why should we place our cards on the table?" First of all, the only prudent inference which can be drawn from our platform is that there are many things we don't like about the State - which appears to be a "weird" mixture of "liberal" and "conservative" positions. Indeed, the Party has been advertised widely as an alliance of minimal statists and anarchists - thus, its start is at best ambiguous on the retention of the State. So it is definitely not clearly inferential that the LP stands foursquare for the abolition of the State. If that is the purpose of the LP it could be said that it is misrepresenting itself to those who believe otherwise. The LP should, thus, be forthright one way or another.

Abolitionism or conservatism, that is the choice! If we permit the present state of affairs to continue this Party will rightfully be labeled conservative by the authentic freedom-fighters of the world. The LP will be seen as a tool of rightwing apologists for the American Superstate.

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DELETION OF THE PROHIBITION OF FRAUD AND MISREPRESENTATION

Proposed Amendment

Delete the following words from the last sentence in the fourth paragraph of the Party's Statement of Principles:

"...fraud and misrepresentation."

In its stead add the words:

"...breach of contract."

Arguments in Support:

The prohibition of fraud and misrepresentation have no legitimate place in a consistent libertarian statement of principles. The concept of fraud is wrong because (1) it treats information possessed by one individual as the collective possession of others with whom he might engage in transactions in spite of there being no explicit voluntary transfer of title over the information by its owner; (2) it enforces obligations on a party to a transaction for withholding a possession (accurate information) not explicitly included in the original terms of the agreement upon the complaint of another party after the fact of the transaction; (3) it holds individuals responsible and liable to undefined and even unstated terms of (implied) contracts as derived from changeable and arbitrary communitarian standards; (4) it establishes the precedent in libertarian law of making an individual responsible for the mischoices and incompetence of others. Fraud does not constitute an objective breach of an individual's rights since no threat to use or use of initiatory force takes place. There is no objective basis for its prohibition much less is there an ethical basis for its enforcement.

There are only two ethically defensible bases for enforcement of an obligation against an individual: (1) if he has voluntarily and explicitly transferred title over some value to another person or (2) if he has caused a damage or injury to someone as a result of his action or an agency under his control or ownership. The prohibition of fraud and the enforcement of damages against a defendant has no relation to either of these two categories unless the term "fraud" is employed to mean breach of contract (sometimes referred to as "contractual fraud"). Breach of contract is enforceable as a withholding of property after transfer of entitlement. In this case, the plaintiff does have a rightful claim.

"Implied contract", i.e., the notion that a binding agreement exists between negotiants in spite of there being no explicit or defined expression of consent on the terms, is a logical contradiction in terms and a legal concept of traditionalist-communitarian tyranny. The essence of a contract is an agreement of explicitly set terms known to the parties and provable to all. Implied contracts are the essence of the prohibition of fraud.

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